

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(CAMDEN VICINAGE)**

Zachary Jones
209 Horton Avenue
Brooklawn, NJ 08030

Plaintiff,

-vs-

The Chefs' Warehouse, Inc.
200 Eagle Court
Woolwich Township, NJ 08085

And

The Chefs' Warehouse Mid-Atlantic, LLC
200 Eagle Court
Woolwich Township, NJ 08085

And

BK Specialty Foods, Inc.
1 United States Circle
Marlton, NJ 08053

And

Crown Equipment Corporation
44 S. Washington Street
New Bremen, OH 45869

And

John Does (I-X)

And

ABC Corporations (I-X)

Defendants

Civil Action No.

**NOTICE OF REMOVAL OF CIVIL ACTION TO
UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § § 1367, 1332, 1441 and 1446, Defendants The Chefs' Warehouse, Inc., and The Chefs' Warehouse Mid-Atlantic, LLC (hereinafter referred to as the "Moving Defendants") hereby removes this action from Superior Court of New Jersey, Law Division, Camden County, Docket No. CAM-L-1240-22 ("the State Court Action"), to the United States District Court for the District of New Jersey. As grounds for removal, Defendant submits the following:

1. On May 17, 2022, Plaintiff filed his Complaint in the Superior Court of New Jersey, Camden County. (A copy of the filed Complaint in the State Court Action is attached hereto as **Exhibit A** and is hereby incorporated for this removal.)

2. On June 25, 2022, an Answer to the Complaint in the State Court Action was filed on behalf of co-defendant, Crown Equipment Corporation (hereinafter "Crown"). (A copy of Crown's Answer in the State Court Action is attached hereto as **Exhibit B** and is hereby incorporated by reference for this removal.)

3. Moving Defendants have not been served with any complaint in the State Court Action.

4. Nonetheless, Moving Defendants have been made aware of their having been named as defendants in the State Court Action.

5. As such, this Notice of Removal is being filed pursuant 28 U.S.C. § 1446(b)(3), which provides that "... if the case stated by the initial pleading is not removable, a notice of removal may be filed with thirty days after receipt by the defendant ... of a copy of an amended pleadings motion, order or other paper from which it may be ascertained that the case is one which is or has become removable." See, e.g. Delalla v. Hanover Ins. No. CIV, 09-2340 RBK/JS, 2009 WL 3379915, at *1 (D.N.J. Oct. 16, 2009).

6. The United States District Court for the District of New Jersey has original jurisdiction over the State Court Action based upon diversity of citizenship under 28 U.S.C. § 1332(a)(1), and accordingly, removal is proper under 28 U.S.C. § 1141(b), and/or 28 U.S.C. § 1146(b) as set forth below.

7. There is complete diversity of citizenship in this matter, based on the following:

8. On information and belief, and plaintiff's own filing of his complaint in the State Court Action, plaintiff is a resident of the State of New Jersey. See Attached **Exhibit A**, First Count Paragraph 1.

9. Defendant The Chefs' Warehouse Mid-Atlantic, LLC is a Delaware corporation.

10. Defendant The Chefs Warehouse Mid-Atlantic, LLC is wholly owned by Chefs Warehouse Parent, LLC.

11. Chefs Warehouse Parent, LLC. is a Delaware LLC.

12. Chefs Warehouse Parent, LLC is wholly owned by defendant The Chefs Warehouse, Inc.

13. Defendant The Chefs' Warehouse, Inc. is a Delaware corporation with a principal place of business at 100 East Ridge Road, Ridgefield, CT 06877. For purposes of diversity jurisdiction, The Chefs' Warehouse, Inc. is, and was at the time of the filing of the Complaint, a citizen of Delaware. The Chefs' Warehouse, Inc.'s principal place of business and headquarters are in the State of Connecticut. Thus, The Chefs' Warehouse, Inc. is not a citizen of New Jersey.

14. Co-defendant BK Specialty Foods, Inc. is incorporated in the State of Maryland with a principal place of business in 200 Eagle Court, Swedesboro. BK Specialty Foods, Inc. is now known as Great Dames Holding, Inc. Great Dames Holding, Inc. formerly known as BK Specialty Foods, Inc. remains a Maryland corporation. As such, for purposes of diversity jurisdiction, BK Specialty Foods, Inc., rebranded as Great Dames Holding, Inc., is, and was at the time of the filing of the Complaint, a citizen of Maryland. Thus, Great Dames Holding, Inc. formerly known as BK Specialty Foods, Inc. is not a citizen of New Jersey.

15. Finally, co-defendant Crown is an Ohio corporation with a principal place of business in 44 S. Washington Street, New Bremen, OH 45869. For purposes of diversity jurisdiction, Crown is, and was at the time of the filing of the Complaint, a citizen of Ohio. Thus, Crown is not a citizen of New Jersey.

16. On information and belief, this case involves injuries which, as alleged by the plaintiff, will exceed \$75,000, making this action removable pursuant to 28 U.S.C. § 1446(b)(3) and 28 U.S.C. 1332.

17. The United States District Court for the District of New Jersey has jurisdiction over Camden County, where the State Court Action was filed. Based upon diversity of citizenship, the State Court Action should be removed to the United States District Court for the District of New Jersey as the district court has jurisdiction over the place where the action pending pursuant to 28 U.S.C. §§ 1332 and 1441(b).

18. The Notice of Removal has been timely filed. Simultaneously with the filing of the Notice of Removal, defendant has given written notice to the Clerk of the Superior Court of New Jersey, Law Division, Camden County and to Plaintiff in the State Court Action.

19. This Notice of Removal has been signed pursuant to Fed. R. Civ. P. 11.

20. Should any question arise as to the propriety of the removal of this action, the defendant requests the opportunity to brief any disputed issues and to present oral argument in support of its position.

WHEREFORE, defendant respectfully requests that all persons take notice that the State Court Action, presently pending in the Superior Court of New Jersey, Law Division, Camden County, is hereby removed to the United States District Court for the District of New Jersey.

MARSHALL DENNEHEY

By:

Adam E. Levy, Esquire

15000 Midlantic Drive, Suite 200

P.O. Box 5429

Mount Laurel, New Jersey 08054

☎856-414-6015 📠856-414-6077

✉ aelevy@mdwgc.com

Attorney for Defendants, The Chefs' Warehouse,
Inc., and The Chefs' Warehouse Mid-Atlantic, LLC

Dated: August 5, 2022